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NOTIFICATION

No. LA. 4-238/58. *Dated, Trivandrum, 14th February 1958.*

The following Bill together with the Statement of Objects and Reasons is published as ordered by the Speaker under Rule 73 of the Rules of Procedure and Conduct of Business in the Assembly.

Legislature Secretariat,
Trivandrum.

V. KRISHNAMOORTHI,
Secretary, Legislative Assembly.

L. A. Bill No. 3 of 1958.

THE TRAVANCORE-COCHIN PANCHAYATS (VALIDATION OF IMPOSITION AND COLLECTION OF RATES, TAXES, CESSES AND FEES) BILL, 1958.

A

Bill

to validate the imposition and collection of certain rates, taxes, cesses and fees by Panchayats.

Preamble.—WHEREAS it is expedient to validate the imposition and collection of certain rates, taxes, cesses and fees by Panchayats under the Travancore-Cochin Panchayats Act, 1950;

BE it enacted in the Ninth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Travancore-Cochin Panchayats (Validation of Imposition and Collection of Rates, Taxes, Cesses and Fees) Act, 1958.

(2) It shall come into force at once.

2. *Validation.*—Notwithstanding anything contained in clause (c) of section 56 of the Travancore-Cochin Panchayats Act, 1950, or sub-rule (3) of rule 118 of the Travancore-Cochin Panchayat Rules, 1951, and notwithstanding anything contained in any judgment, decree or order of any Court, the imposition and collection of all cesses, rates, taxes and fees by the Panchayats under section 56 of the said Panchayats Act on and from the 15th day of August 1951 and all orders made and all action taken by them in the exercise or purported exercise of the powers conferred by the said Panchayats Act and the rules issued thereunder in connection with the imposition or collection of such cess, rate, tax or fee are hereby declared to have been validly made, passed or taken as the case may be and such imposition, collection, order or action shall not be called in question on the ground only that the previous sanction of the Government was not obtained or that the maxima of the rates of such cess, rate, tax or fee were not prescribed as required under clause (c) of section 56 or sub-rule (3) of rule 118 aforesaid:

Provided that no action or omission on the part of any person shall be punishable as an offence which would not have been so punishable if this Act had not been passed.

STATEMENT OF OBJECTS AND REASONS.

Section 56 of the Travancore-Cochin Panchayats Act, 1950 empowers the Panchayats to impose, subject to the previous sanction of Government and at such rates not exceeding the maxima prescribed, a cess on land other than any land or class of lands which the Government may, by notification in the Gazette, exempt and any rate, tax, license or other fee for the discharge of duties under the Act. In many cases, the panchayats have imposed the rates, taxes, cesses etc., without the previous sanction of Government and in certain cases without getting the maxima prescribed by Government. Recently, the legality of such imposition was questioned before the High Court of Kerala. In the judgment pronounced in O. P. No. 67/57, the High Court held that the demands for profession tax made by the Pampady Panchayat were unsustainable for the reason that previous sanction of Government under section 56 of the said Act and Rule 118(3) of the Travancore-Cochin Panchayat Rules, 1951 had not been obtained. Similarly, an appeal questioning the validity of the levy of license fees for places used for purposes specified as dangerous and offensive, on the ground that no maximum has been prescribed, has been allowed by the High Court. It has therefore become necessary to take legislative action to validate the imposition and collection of rates, taxes, cesses and fees, made by panchayats without obtaining the previous sanction of the Government and without getting the maximum rate prescribed by Government.

The Bill is intended to achieve the above objects.

P. K. CHATHAN.

NOTIFICATION

No. LA. 4-239/58. *Dated, Trivandrum, 14th February 1958.*

The following Bill together with the Statement of Objects and Reasons is published as ordered by the Speaker under Rule 73 of the Rules of Procedure and Conduct of Business in the Assembly.

Legislature Secretariat,
Trivandrum.

V. KRISHNAMOORTHI,
Secretary, Legislative Assembly.

L. A. Bill No. 4 of 1958.

THE MADRAS ESSENTIAL ARTICLES CONTROL AND REQUISITIONING (TEMPORARY POWERS) AMENDMENT BILL, 1958.

A

Bill

to amend the Madras Essential Articles Control and Requisitioning (Temporary Powers) Act, 1949.

Preamble.—WHEREAS it is expedient to amend the Madras Essential Articles Control and Requisitioning (Temporary Powers) Act, 1949, for the purposes hereinafter appearing ;

BE it enacted in the Ninth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Madras Essential Articles Control and Requisitioning (Temporary Powers) Amendment Act, 1958.

(2) It shall come into force at once.

2. *Amendment of section 1.*—In section 1 of the Madras Essential Articles Control and Requisitioning (Temporary Powers) Act, 1949 (Madras Act XXIX of 1949), hereinafter referred to as the principal Act,—

(i) in sub-section (1), for the words and brackets "Madras Essential Articles Control and Requisitioning (Temporary Powers) Act", the words and brackets "Essential Articles Control and Requisitioning (Temporary Powers) Act" shall be substituted ;

(ii) for sub-section (2), the following sub-section shall be substituted, namely :—

"(2) It extends to the whole of the State of Kerala" ;

(iii) in sub-section (3), for the words, figures and letters "the 25th January 1958", the words, figures and letters "the 25th January 1959" shall be substituted ; and

(iv) for sub-section (4), the following sub-section shall be substituted, namely :—

"(4) upon the expiry of this Act, the provisions of section 4 of the Interpretation and General Clauses Act, 1125, shall

apply as if this Act had been repealed by an Act of the Kerala State Legislature."

3. *Amendment of section 5.*—In clause (d) of sub-section (1) of section 5 of the principal Act, for the words, brackets and figures "sub-section (1) of section 23 of the Land Acquisition Act, 1894", the following shall be substituted, namely:—

"sub-section (1) of section 23 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) or sub-section (1) of section 22 of the Land Acquisition Act (Cochin Act II of 1070) or sub-section (1) of section 22 of the Land Acquisition Act (Travancore Act XI of 1089), as the case may be".

4. *Amendment of section 9.*—In the explanation to sub-section (1) of section 9 of the principal Act, for the words "Malabar District", the words "State of Kerala" shall be substituted.

5. *Amendments to the Travancore-Cochin Public Safety Measures Act, 1950.*—In the Travancore-Cochin Public Safety Measures Act, 1950 (Act V of 1950),—

(i) sections 3 to 7 (both inclusive) shall be omitted;

(ii) in section 14,—

(a) in sub-section (1), for the words and figures "sections 3, 4, 7, 11 or 13", the words and figures "section 11 or 13" shall be substituted; and

(b) sub-section (2) shall be omitted.

6. *Repeal.*—The Madras Essential Articles Control and Requisitioning (Temporary Powers) Amendment Ordinance, 1958 (Ordinance No. 2 of 1958) is hereby repealed.

STATEMENT OF OBJECTS AND REASONS.

The Madras Essential Articles Control and Requisitioning (Temporary Powers) Act, 1949, which is in force in the Malabar area of the State was to expire on the 25th January, 1958. It was considered necessary to extend the period of operation of the Act for a further period of one year as also to extend the application of the Act to the Travancore-Cochin area of the State. To give effect to the above proposals, the Madras Essential Articles Control and Requisitioning (Temporary Powers) Amendment Ordinance, 1958 (Ordinance No. 2 of 1958), was promulgated by the Governor on the 25th January, 1958. The Bill seeks to replace the Ordinance by an Act of the Legislature.

K. C. GEORGE.